

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
UNITED STATES OF AMERICA :
:
- v. - :
FRANK ORTIZ, :
NICHOLAS SANTANA, :
RAYMOND HERNANDEZ, :
CHRIS SANTANA, and :
DAVID QUILES, :
:
Defendants. :
:
- - - - - x

COUNT ONE

The Grand Jury charges:

1. From at least in or about May 2006 through on or about May 10, 2007, in the Southern District of New York and elsewhere, FRANK ORTIZ, NICHOLAS SANTANA, RAYMOND HERNANDEZ, CHRIS SANTANA, and DAVID QUILES, the defendants, and others known and unknown, unlawfully, intentionally and knowingly, did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and object of the conspiracy that FRANK ORTIZ, NICHOLAS SANTANA, RAYMOND HERNANDEZ, CHRIS SANTANA, and DAVID QUILES, the defendants, and others known and unknown, unlawfully, intentionally, and knowingly, did distribute and possess with intent to distribute a controlled substance, to wit, 1000 kilograms and more of a mixture and substance containing a

detectable amount of marijuana, in violation of Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(A).

Overt Acts

3. In furtherance of the conspiracy and to effect the illegal objects thereof, FRANK ORTIZ, NICHOLAS SANTANA, RAYMOND HERNANDEZ, CHRIS SANTANA, and DAVID QUILES, the defendants, committed the following overt acts, among others, in the Southern District of New York and elsewhere:

a. On or about March 7, 2007, FRANK ORTIZ and DAVID QUILES traveled from New York to Arizona.

b. On or about May 10, 2007, NICHOLAS SANTANA, RAYMOND HERNANDEZ, CHRIS SANTANA, and FRANK ORTIZ, the defendants, traveled to the vicinity of 684 Saw Mill River Road, Yonkers, New York.

(Title 21, United States Code, Section 846.)

COUNT TWO

The Grand Jury further charges:

4. In or about May 2007, in the Southern District of New York, NICHOLAS SANTANA and RAYMOND HERNANDEZ, the defendants, unlawfully, wilfully, and knowingly, used and carried a firearm during and in relation to a drug trafficking crime, and possessed a firearm in furtherance of a drug trafficking crime, to wit, the narcotics conspiracy described in Count One of this Indictment.

(Title 18, United States Code, Section 924(c).)

Forfeiture Allegation

5. As a result of committing the controlled substance offense alleged in Count One of this Indictment, FRANK ORTIZ, NICHOLAS SANTANA, RAYMOND HERNANDEZ, CHRIS SANTANA, and DAVID QUILES, the defendants, shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853, any and all property constituting or derived from any proceeds the said defendants obtained directly or indirectly as a result of the violation alleged in Count One of this Indictment, and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violation alleged in Count One of this Indictment, including, but not limited to the following:

a. A sum of money equal to \$4,485,000 in United States currency, representing the amount of proceeds obtained as a result of the charged controlled substance offense, for which the defendants are jointly and severally liable, including but not limited to the following:

i. United States currency in the amount of \$195,150, recovered on or about May 10, 2007, from a Jeep Cherokee with New York Registration DYN 7886 and Vehicle Identification Number 1J4GW58S9XC624320; and

ii. United States currency in the amount of \$5,000, recovered on or about May 10, 2007, from the person of DAVID QUILES.

Substitute Asset Provision

6. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intention of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 841(a)(1), 846 and 853.)

Angie R. Greco
FOREPERSON

Michael J. Garcia
MICHAEL J. GARCIA
United States Attorney